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SENATE BILL 151

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

PHILLIP J. MALOOF

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE MOTOR VEHICLE CODE TO  
REDUCE THE MAXIMUM SPEED LIMIT TO SEVENTY MILES PER HOUR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-301 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION. --

A. No person shall drive a vehicle on a highway at  
a speed greater than:

(1) fifteen miles per hour on all highways  
when passing a school while children are going to or leaving  
school and when the school zone is properly posted;

(2) thirty miles per hour in any business or  
residence district;

(3) [~~seventy-five~~] seventy miles per hour;

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1 and

2 (4) the posted speed limit in construction  
3 zones, provided that the posted speed limit shall be  
4 determined by an engineering study performed by the state  
5 highway and transportation department.

6 B. In every event, speed shall be so controlled by  
7 the driver as may be necessary:

8 (1) to avoid colliding with any person,  
9 vehicle or other conveyance on or entering the highway;

10 (2) to comply with legal requirements as may  
11 be established by the state highway and transportation  
12 department or the New Mexico state police division of the  
13 department of public safety and the duty of all persons to use  
14 due care; and

15 (3) to protect workers in a construction  
16 zone.

17 C. The speed limits set forth in Subsection A of  
18 this section may be altered as authorized in Section 66-7-303  
19 NMSA 1978. "

20 Section 2. Section 66-7-302.1 NMSA 1978 (being Laws  
21 1989, Chapter 318, Section 30 and also Laws 1989, Chapter 319,  
22 Section 8, as amended) is amended to read:

23 "66-7-302.1. SPEED LIMIT--CONVICTION--USE LIMITED.--

24 A. The division shall not use a violation under  
25 Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA  
. 121767.1

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1 1978 for the purpose of suspending or revoking a driver's  
2 license unless the driver was exceeding the speed of [ ~~seventy-~~  
3 ~~five~~] seventy miles an hour.

4 B. An insurer shall not consider a violation under  
5 Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA  
6 1978 as a moving traffic violation against a person, unless  
7 the person was exceeding the speed of [ ~~seventy-five~~] seventy  
8 miles an hour, for the purpose of establishing rates of motor  
9 vehicle insurance charged by the insurer nor shall the insurer  
10 cancel or refuse to renew any policy of insurance for such a  
11 violation. "

12 Section 3. Section 66-7-303 NMSA 1978 (being Laws 1957,  
13 Chapter 73, Section 2, as amended) is amended to read:

14 "66-7-303. ESTABLISHMENT OF SPEED ZONES. --

15 A. Whenever the secretary of highway and  
16 transportation determines upon the basis of an engineering  
17 survey and traffic investigation, a detailed report of which  
18 is filed with the traffic safety bureau of the state highway  
19 and transportation department, that any speed established by  
20 law is greater or less than is reasonable or safe under the  
21 conditions found to exist upon any part of a state highway,  
22 the secretary of highway and transportation may declare the  
23 speed limit for that part, and that speed limit shall be  
24 authorized and effective when appropriate signs giving notice  
25 thereof are erected at that particular part of the highway;

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1 provided that no speed limit shall be declared greater than  
2 [~~seventy-five~~] seventy miles per hour. The declaration of  
3 speed limits by the secretary of highway and transportation  
4 shall not be considered rules for purposes of the State Rules  
5 Act.

6 B. Whenever a local authority determines upon the  
7 basis of an engineering survey and traffic investigation that  
8 any speed limit permitted under state law or local ordinance  
9 is greater or less than is reasonable or safe under the  
10 conditions found to exist upon any part of a highway within  
11 its jurisdiction, it may declare a speed limit for that part,  
12 and that speed limit shall be authorized and effective when  
13 appropriate signs giving notice thereof are erected at that  
14 particular part of the highway; provided that no speed limit  
15 shall be declared greater than [~~seventy-five~~] seventy miles  
16 per hour.

17 C. Engineering surveys and traffic investigations  
18 made by local authorities shall be on a form approved by the  
19 secretary of highway and transportation. If engineers are not  
20 available to the local authorities, the state highway and  
21 transportation department may make the surveys and  
22 investigations for the local authorities.

23 D. Speed zones may be marked by a sign containing  
24 a flashing yellow light and, when the light is in operation,  
25 the speed limit, instructions or regulations on the sign are

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1 in effect.

2 E. Alteration of speed limits on state highways by  
3 local authorities is not effective until approved by the  
4 secretary of highway and transportation.

5 F. The provisions of Subsections A and B of this  
6 section shall not apply to changes of speed limit in  
7 construction zones authorized pursuant to Section 66-7-303.1  
8 NMSA 1978. "

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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 7, 1998  
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8 Mr. President:  
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10 Your COMMITTEES' COMMITTEE, to whom has been referred  
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12 SENATE BILL 151  
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14 has had it under consideration and finds same to be NOT GERMANE.  
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16 Respectfully submitted,  
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23 Manny M. Aragon, Chairman  
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(Chief Clerk) (Chief Clerk)

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